

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL IAN ANTHONY
VANACKER, GLORIA JADE VANACKER,
SARAH GABRIELLE VANACKER, JENNA
DIANNA VANACKER, and STELLA HELEN
VANACKER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LENA DIANNE VANACKER,

Respondent-Appellant.

UNPUBLISHED

April 6, 2004

No. 250478

Macomb Circuit Court

Family Division

LC No. 00-050862

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The FIA became aware of respondent's neglect of the children in 1999, and filed a petition in 2001 after twice confirming that the home was unfit. Respondent complied with some aspects of her parent agency agreement, such as attending an inpatient drug treatment program and counseling, and obtaining housing and employment for a period of time. However, at the time of the termination hearing, respondent did not have employment or housing. She tested positive for cocaine two months prior to the termination hearing, and her explanation for it was implausible. After two years of receiving services, respondent was still unable to provide proper care or custody for the children, which had been the condition leading to adjudication, and there was no reasonable expectation that she would be able to properly care for them within a reasonable time.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court found that termination was in the children's best

interests, and did not err in so finding. The children were bonded with respondent, and she with them, but respondent was unable to provide even basic food or housing for them. The children had been placed with a paternal uncle who would adopt them if necessary. Although respondent loved the children, they required provision of basic necessities, and a permanent, stable home. There was no reasonable likelihood that respondent would be able to resume custody within a reasonable time, and termination of her parental rights was in the children's best interests.

The trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Bill Schuette